

JOURNAL OF THE HOUSE.

Thursday, November 10, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we place our trust and confidence in You and in Your personal concern for each of us. Your daily assistance enables us to encounter successfully our responsibilities and to achieve our daily goals and the ultimate purpose for which we have been created. The observance of Veterans' Day reminds us of the personal sacrifices of millions of women and men and their families throughout the history of this nation in defending personal freedom. In this era of terrorism, violence and lack of respect for the dignity of each person, may we continue to seek peace in the world and in our own minds and hearts. On this Veterans' Day we also pray for the safe and quick return to their homes of all serving in the nation's armed forces in areas of conflict.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Moment of Silent Prayer.

At the request of Messrs. Rogers of Norwood and Ross of Wrentham, the members, guests and employees stood in a moment of silent prayer in memory of Captain Joel Cahill, age 34, who died on Sunday, November 6, in Ad Dawr, Iraq. A native of Norwood, Joel had lived in Wrentham until high school when his parents relocated to Nebraska. He was the recipient of several awards, including the Purple Heart and Bronze Star.

Captain
Joel
Cahill.

Statement Concerning Representative Correia of Fall River.

A statement of Mr. Rogers of Norwood concerning Mr. Correia of Fall River was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Correia of Fall River, was not present in the House Chamber during yesterday's sitting and will not be present in the House Chamber for today's sitting due to his hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Correia of
Fall River.

Statement of Representative Kaufman of Lexington.

A statement of Mr. Kaufman of Lexington was spread upon the records of the House, as follows:

Statement of
Representative
Kaufman of
Lexington.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not be present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll calls that I missed today is due entirely to the reason stated.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

Statement
concerning
Representative
Kennedy of
Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to his hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement of Representative Miceli of Wilmington.

A statement of Mr. Miceli of Wilmington was spread upon the records of the House, as follows:

Statement of
Representative
Miceli of
Wilmington.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's sitting due to previously scheduled day surgery at the Massachusetts General Hospital. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement of Representative Spellane of Worcester.

A statement of Mr. Spellane of Worcester was spread upon the records of the House, as follows:

Statement of
Representative
Spellane of
Worcester.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to official business in another part of the State House while presiding at a committee hearing. Any roll calls that I missed today is due entirely to the reason stated.

Statement of Representative Teahan of Whitman.

A statement of Mrs. Teahan of Whitman was spread upon the records of the House, as follows:

Statement of
Representative
Teahan of
Whitman.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll calls that I missed today is due entirely to the reason stated.

Resolutions.

Patricia
and Elmer
Larson.

Resolutions (filed with the Clerk by Mr. Murphy of Burlington) congratulating Patricia and Elmer "Bud" Larson on their fiftieth wedding anniversary, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Petrocelli of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Guest of the House.

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced Kathryn "KJ" Joseph of Dudley, The Wrigley Jr. Company and Women's Sports Foundation 2005 Massachusetts Sports Girl. Katie attended St. Joseph School in Webster where she graduated first in her class this past June. She was the guest of Mr. Kujawski of Webster.

Kathryn
KJ
Joseph.

Petition.

Mrs. Harkins of Needham presented a petition (subject to Joint Rule 12) of Lida E. Harkins relative to assisted living skilled nursing care; and the same was referred, under Rule 24, to the committee on Rules.

Assisted
living.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of the same member, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill authorizing the conveyance of a certain parcel of Commonwealth land to the city of Revere for public purposes (House, No. 4308) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2240.

Revere,
land
conveyance.

Under suspension of Rule 35, on motion of Mr. DeLeo of Winthrop, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill providing for the disposition of certain property in the town of Upton (House, No. 4371) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2259.

Upton,
property
disposition.

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill making appropriations for the fiscal year 2006 to provide for health access, affordability and accountability (Senate, No. 2275) (on Senate, No. 764), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Health care
access.

Reports of Committees.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on House, No. 4153, a Bill relative to gate shows (House, No. 4493). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Gate
shows.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith; and it was ordered to a third reading.

Wine
shipments.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to direct wine shipments (House, No. 4477) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill authorizing the direct shipment of wine (House, No. 4490),— pending.

Under suspension of Rule 7A, on motion of Mr. Straus of Matapoisett, the bill was read a second time forthwith.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Scaccia of Boston, until the next sitting.

Smoking,
bars.

By Mr. Koutoujian of Waltham, for the committee on Public Health, ought NOT to pass, on the petition (accompanied by bill, House, No. 2612) of William K. Soares for legislation to permit smoking by patrons in certain bars and cocktail lounges.

Smoking
in bars.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2623) of Marie J. Parente for legislation to authorize municipal boards of health to exempt certain bars from the smoking ban.

Beano
games,
smoking.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2628) of Christopher G. Fallon relative to smoking at beano games.

Beano
games,
smoking.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3954) of Marie J. Parente for legislation to permit smoking at certain times during operation of the game commonly called Beano.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bills.

Bills
enacted.

Engrossed bills
Relative to the membership of the Conservation Commission of the town of Falmouth (see House, No. 4098);

Relative to the board of health in the town of North Andover (see House, No. 4115);

Exempting the position of chief of police in the town of Salisbury from the civil service law (see House, No. 4257); and

Authorizing the town of Middleborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4426);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Relative to the Northern Berkshire Solid Waste District (House, No. 1340);

Third
reading
bills.

Authorizing certain appropriations from the capital projects fund in the town of Bridgewater (House, No. 4095) (its title having been changed by the committee on Bills in the Third Reading); and

Providing for two associate conservation commission members in the town of Hanover (House, No. 4349);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill authorizing a public waterfront walkway to be exempted from the harbor line in the Charlestown Navy Yard in the city of Boston (House, No. 1305, changed) was ordered to a third reading.

Second
reading
bill.

House bills

Authorizing the town of Pembroke to borrow certain sums of money (printed as Senate, No. 1193);

Second
reading
bills.

Amending the membership of the Metropolitan Area Planning Council (House, No. 3143);

Authorizing the town of Arlington to establish another post-employment benefits trust fund (House, No. 4272); and

Reconstituting the Board of the Northern Berkshire Industrial Park and Development Corporation and authorizing the corporation to undertake residential and mixed use development (House, No. 4376);

Severally were read a second time; and they were ordered to a third reading.

House reports

Of the committee on Municipalities and Regional Government, ought NOT to pass, on the petition (accompanied by bill, House, No. 3558) of Philip Travis relative to authorizing the Rehoboth Water District to hold its annual district meetings at the Dighton-Rehoboth Regional High School building; and

House
reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4256) of Michael A. Costello (with the approval of the mayor and city council) that the city of Newburyport be authorized to transfer certain balances into the capital improvements and stabilization fund of said city;

House
reports.

Of the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 555) of Todd M. Smola and Reed V. Hillman relative to the restoration to service of a member of a fire department; and

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1689) of David B. Sullivan that the Executive Office of Transportation and Construction be authorized to offer sponsorship rights for bridges throughout the Commonwealth;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1972) of Philip Travis that the Department of Highways be authorized to perform certain reconstruction roadwork in the town of Seekonk;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1982) of Demetrius J. Atsalis that the Port Authority and the Turnpike Authority be directed to reduce tolls for motorcycles for the use of facilities of said authorities;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1992) of Marie J. Parente that the Department of Highways be directed to construct an access ramp on Route 1-495 to the industrial areas of the towns of Milford, Bellingham and Franklin;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2015) of Anne M. Gobi and others relative to certain regulations issued by the Massachusetts Turnpike Authority and the Executive Office of Transportation and Construction affecting the use of motorcycles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2016) of Anne M. Gobi and Robert L. Hedlund for legislation to direct the Department of Highways to evaluate the safety benefits of centerline markings on unmarked paved roads;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2017) of Anne M. Gobi and Robert L. Hedlund relative to the operation of motorcycles in the breakdown lane during heavy traffic periods;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2063) of Leonard H. Golder relative to the establishments of toll booths at the New Hampshire border on certain highways;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2064) of J. James Marzilli, Jr., and others relative to permitting the operation of low-emission vehicles in high occupancy vehicle lanes;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2065) of J. James Marzilli, Jr., relative to the traffic utilization of Route 60 in the town of Arlington and the city of Medford;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2091) of Robert F. Fennell and Douglas W. Petersen requiring the posting of signs along state highways and interstate roadways with prohibited right lane travel;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2093) of James B. Leary and others relative to the use of allocations from the Highway Fund by cities and towns for the conversion of private ways to public ways;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2100) of Kay Khan and others requiring the Turnpike Authority to perform certain roadwork in the city of Newton;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2103) of Patricia D. Jehlen and others for legislation to further regulate the posting of street signs at intersections of roadways;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2108) of Joseph F. Wagner relative to the powers and duties of the Massachusetts Turnpike Authority;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2140) of Theodore C. Speliotis and others that the Department of Highways be directed to study the feasibility of making improvements to interchanges on a certain portion of state highway Route 128;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2150) of Paul Kujawski for legislation to prohibit the lease, sale or conveyance of property in the town of Warren and under the control of the Massachusetts Turnpike Authority;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2167) of Peter J. Larkin for legislation to provide for a highway business revolving loan fund;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2175) of Walter F. Timilty and John W. Scibak for legislation to establish the state highway public safety fund;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2180) of Thomas M. Menino and others relative to the sale of surplus property of the Massachusetts Bay Transportation Authority for housing and community development projects;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2186) of Alice K. Wolf and others for legislation to extend the hours of service of the Massachusetts Bay Transportation Authority;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2201) of Garrett J. Bradley relative to changes of rates and scheduling changes by commuter boats in the Commonwealth;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2203) of Steven M. Walsh and Thomas M. McGee relative to improvement of certain roadways entering cities and towns;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2205) of Steven M. Walsh and

others for legislation to make certain changes in the law relating to billboards;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2243) of Mary E. Grant and others relative to the North Shore rail link;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2261) of Peter V. Kocot relative to the Pioneer Valley Transit Authority;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2264) of Steven M. Walsh relative to extending the hours of service of the Massachusetts Bay Transportation Authority; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4126) of Robert K. Coughlin (by vote of the town) relative to prohibiting truck traffic on a portion of East Street in the town of Dedham;

Severally were accepted.

Recess.

At twenty-two minutes after eleven o'clock A.M., on motion of Mr. Petrocelli of Boston (Mr. Petrolati of Ludlow being in the Chair), the House recessed until one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Quorum.

Mr. Jones of North Reading then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 278.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 137 members were recorded as being in attendance.

[See Yea and Nay No. 278 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

Heating
energy
assistance.

The House Bill relative to heating energy assistance and tax relief (House, No. 4473), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Bill passed
to be
engrossed,
yea and nay
No. 279.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 279 in Supplement.]

Therefore the bill (House, No. 4473) was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measure.

Tax
provisions,
update.

The engrossed Bill relative to tax laws (see House, No. 4169, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 45 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Jones of North Reading moved that Rule 40 be suspended.

After remarks on the motion to suspend Rule 40, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow) having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

Quorum,
yea and nay
No. 280.

[See Yea and Nay No. 280 in Supplement.]

Therefore a quorum was present.

After debate the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 35 members voted in the affirmative and 113 in the negative.

Motion to
suspend
Rule 40
negated,
yea and nay
No. 281.

[See Yea and Nay No. 281 in Supplement.]

Therefore the motion to suspend Rule 40 was negated.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 112 members voted in the affirmative and 36 in the negative.

Bill
enacted,
yea and nay
No. 282.

[See Yea and Nay No. 282 in Supplement.]

Therefore the bill was passed to be enacted. Sent to the Senate for concurrence.

Orders of the Day.

The House Bill relative to genetic testing results (House, No. 3899) was read a second time; and it was ordered to a third reading.

Genetic
testing
results.

Subsequently, under suspension of the rules, on motion of Mr. Koutoujian of Waltham, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 148 members voted in the affirmative and 0 in the negative.

Bill passed
to be
engrossed,

[See Yea and Nay No. 283 in Supplement.]

Therefore the bill (House, No. 3899) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the development of underused state owned real property and the disposition of state owned surplus real property (House, No. 4278, amended) was read a third time.

Surplus
property.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Surplus
property.

Pending the question on passing the bill to be engrossed, Mr. Flynn of Bridgewater moved that it be amended by substitution of a bill with the same title (House, No. 4491), which was read.

Pending the question on adoption of the amendment, Messrs. Linsky of Natick and Stanley of Waltham moved that the proposed substitute bill be amended in section 4, in subsection (c), by striking out the words "For parcels of real property larger than 2 acres" and inserting in place thereof the following: "For parcels of real property larger than two acres as delineated on November 10, 2005"; and the further amendment was adopted.

Mr. Kulik of Worthington then moved that the proposed substitute bill be amended in section 4, in subsection (d), by adding at the end of the first paragraph the following: "If a city or town has held a vote for debt exclusion pursuant to section 21C of chapter 59 of the General Laws to finance the surplus real property purchase the date by which the host municipality shall exercise its option to purchase will be extended until 7 days after the vote." The further amendment was adopted.

The same member then moved that the proposed substitute bill be amended in section 9 by inserting after clause (ii) the following paragraph: "If a city or town fails to close on a surplus property due solely to a failure to receive an affirmative vote on a debt exclusion to raise funds for the purchase of the particular parcel pursuant to section 21C of chapter 59 of the General Laws, the city or town shall remain eligible to receive its share of proceeds of the sale as provided in subsection ____." The further amendment was adopted.

Mr. Kulik of Worthington then moved that the proposed substitute bill be amended in section 10, in line 00, by striking out the words "Zoning ordinances or by-laws shall" and inserting in place thereof the words "Zoning ordinances or by-laws may"; and in line 00, by striking out the words "'Limited manufacturing' shall" and inserting in place thereof the words "'Limited manufacturing' may"; and the further amendments were adopted.

Mr. Leary of Worcester then moved that the proposed substitute bill be amended in section 4, in subsection (f), by adding after the second to last paragraph the following sentence: "Notwithstanding the foregoing, MassDevelopment shall not be obligated to pay real estate taxes or a payment in lieu of taxes until three years after the closing date." The further amendment was rejected.

Ms. Khan of Newton then moved that the proposed substitute bill be amended in section 4, in subsection (f), by inserting after paragraph 7, the following paragraph:

"If there is no plan to develop housing on the real property formerly used as a department of mental health state hospital or department of mental retardation in-patient care facility, no more than 15% of the sale price shall support the development of affordable and supportive housing at another location for individuals who are clients, or former clients of the department of mental health or the department of mental retardation."

The further amendment was adopted.

The same member then moved that the proposed substitute bill be amended in section 4, in subsection (c), in the second sentence, by inserting after the words "options", the words ", including but not limited to the development of supportive and affordable housing for the physically and cognitively disabled and the mentally ill"; and the further amendment was adopted.

Ms. Paulsen of Belmont then moved that the proposed substitute bill be amended in section 4, in subsection (d) by striking out the last paragraph thereof and inserting in place thereof the following paragraph:

"If the host municipality or its assignee acquires the real property for open space purposes, the purchase price shall be at 10 percent of fair market value of the real property; provided, that the host municipality has met its affordable housing threshold established in chapter 40B; provided further, that if any of the real property is restricted for open space purposes, a conservation restriction pursuant to chapter 184 of the general laws shall be retained by the commonwealth on such parcels to ensure public access to the real property."

The further amendment was rejected.

Ms. Gobi of Spencer then moved that the proposed substitute bill be amended in section 3, in paragraph 3, by inserting after the words "open space," the words "a community's master plan,"; and the further amendment was adopted.

The same member then moved that the proposed substitute bill be amended in section 3, in paragraph 5, by inserting after the words "public real property" the words ", and open space preservation". The further amendment was adopted.

Ms. Paulsen of Belmont then moved that the proposed substitute bill be amended in section 4, in subsection (f), in paragraph 7, by adding at the end thereof, as amended the following paragraph:

"Notwithstanding any other general or special law to the contrary, real property acquired by the agency shall remain, to the extent practicable, accessible to the public, including but not limited to, the use of trails, pedestrian walkways, open spaces, or recreational facilities."

The further amendment was adopted.

On the question on adoption of the proposed substitute bill (offered by Mr. Flynn of Bridgewater), as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Flynn; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 284 in Supplement.]

Therefore the proposed substitute bill, as amended, was adopted.

The substituted bill (House, No. 4491, printed as amended, then was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the city of Taunton to lease certain recreational land (see House, No. 4225) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill
substituted,
yea and nay
No. 284.

Taunton,
Parker Golf
Course.

Bill enacted
(land taking),
yea and nay
No. 285.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 285 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Bladder
cancer
screening.

The House Bill establishing a bladder cancer screening program within the Department of Public Health (House, No. 1636), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Bill passed
to be
engrossed,
yea and nay
No. 286.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Kaprielian of Watertown; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 286 in Supplement.]

Therefore the bill (House, No. 1636) was passed to be engrossed. Sent to the Senate for concurrence.

Loaded
weapon,
definition

The Senate Bill relative to a loaded shotgun or rifle (Senate, No. 2255) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Bill passed
to be
engrossed,
yea and nay
No. 287.

On the question on passing the bill to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 287 in Supplement.]

Therefore the bill (Senate, No. 2255) was passed to be engrossed, in concurrence.

Affordable
housing,
Somerville.

The Senate Bill establishing a project mitigation contribution or linkage program for affordable housing in the city of Somerville (Senate, No. 2044) was read a second time.

The amendment previously recommended by the committee on Ways and Means,—that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4474,—was adopted.

The bill (Senate, No. 2044, amended) then was ordered to a third reading.

Blackstone
river,
bridge.

The House report of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1692) of Rosaire Rajotte relative to the building of a bridge over the Blackstone River, was considered; and after remarks it was accepted.

House reports

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2049) of Rosaire Rajotte for legislation to connect Route 22 to Route 140 beginning in Rockdale and ending in Upton;

Upton,
Route 140.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2188) of Paul K. Frost relative to discount tolls for certain motorists who participate in the fast lane toll program;

Massachusetts
Turnpike
discount.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2246) of Susan W. Pope for legislation to exempt the towns of Wayland and Sudbury from the Massachusetts Bay Transportation Authority assessment; and

Wayland
and Sudbury,
MBTA
assessments.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2247) of Susan W. Pope for legislation to exempt the towns of Wayland and Sudbury from the Massachusetts Bay Transportation Authority assessment;

Wayland
and Sudbury,
MBTA
assessment.

Severally were accepted.

Paper from the Senate.

The House Bill providing benefits to servicemembers, veterans and their families (House, No. 4469, amended) came from the Senate passed to be engrossed, in concurrence, with amendments inserting after section 2 the following section:

Service-
members,
Welcome
Home .

“SECTION 2A. Section 19 of chapter 15A of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:—

Such guidelines shall provide tuition and fee waivers for veterans, as defined by section 7 of chapter 4. The commonwealth, not the institutions of public higher education, shall bear the cost of such tuition and fee waivers for veterans.”; and striking out section 12 (inserted by amendment by the House)

Under suspension of the rules, on motion of Mr. Verga of Gloucester, the amendments were considered forthwith.

Messrs. Verga of Gloucester and Jones of North Reading then moved that the House concur with the Senate in its amendments with further amendments by striking out section 2A (inserted by amendment by the Senate) and inserting in place thereof the following section:

“SECTION 2A. Section 19 of chapter 15A of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:—

Such guidelines shall provide tuition and fee waivers for Massachusetts National Guard members. The commonwealth, not the institutions of public higher education, shall bear the cost of such tuition and fee waivers for Massachusetts National Guard members.”; in section 12 by striking out the first sentence and inserting in place thereof the following sentence: “There shall be a special commission to study tuition and fee waiver programs, pursuant to section 19 of chapter 15A and section 137 of chapter 33 of the General Laws, for veterans.”; and by adding the following section:

“SECTION 19. Section 2A shall take effect on July 1, 2006.”.

Further
amendments
adopted,
yea and nay
No. 288.

On the question on adoption of the further amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 146 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 288 in Supplement.]

Therefore the further amendments were adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendments.

Recess.

Recess.

At thirteen minutes before six o'clock P.M., the Chair (Mr. Petrolati of Ludlow) declared a recess, subject to the call of the Chair; and at eleven minutes after seven o'clock P.M., the House was called to order with Mr. Verga of Gloucester in the Chair.

Emergency Measure.

Service-
members,
Welcome
Home .

The engrossed Bill providing benefits to servicemembers, veterans and their families (see House, No. 4469, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Mr. Jones of North Reading then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-one minutes after seven o'clock P.M. (Mr. Verga of Gloucester being in the Chair) the House adjourned, to meet on Monday next at eleven o'clock A.M.